



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2017
CORAM:
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P.(MD)Nos.13153 to 13155 and 12326,
12780, 12603 and 12872 of 2017
and
W.M.P.(MD)Nos.10223 to 10228, 9491, 9492,
9883, 9884, 9714 to 9717 and 9960 to 9963 of 2017

Minor.R.S.Srivathsan
Represented by his Father and Natural Guardian
K.Renganthan ... Petitioner(s) in WP(MD). 13153/ 2017

MINOR.ABIRAAMI BALAMBIKAI. V REP. BY HER FATHER AND NATURAL
GUARDIAN, MR.T.VILLAVAN KOTHAI
... Petitioner(s) in WP(MD). 13154/ 2017

MINOR.APARJITH KANNAN BHAVA REP. BY HIS FATHER AND NATURAL
GUARDIAN B.R.J.KANNAN ... Petitioner(s) in WP(MD). 13155/ 2017

MINOR.R.SONAALY SUDHARSANA REP. BY HER FATHER.R.RAJASUDHAKARAN
... Petitioner(s) in WP(MD). 12780/ 2017

K.K.SREEHARINI D/O.MR.K.KARTHIKEYAN,
... Petitioner(s) in WP(MD). 12603/ 2017

S.S.AKASH KUMAR MINOR REP. BY HIS FATHER AND NATURAL GUARDIAN,
D.S.SARAVANAN ... Petitioner(s) in WP(MD). 12872/ 2017

MINOR K.SIBI, REP. BY HIS FATHER AND NATURAL GUARDIAN, K.K.KANNAN
... Petitioner(s) in WP(MD). 12326/ 2017

-Vs-

1.The State of Tamil Nadu,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Secretariat, Chennai 600 009.

2.The Secretary,
The Selection Committee,
Office of the Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Medical Council of India(MCI),
Represented by its Secretary, Pocket-14,
Sector-14, Connaught Place, New Delhi.
New Delhi.



4. The Secretary,
Central Board of Secondary Education,
Shiksha Kendra, 2-Community Centre,
Preet Vihar, Delhi-110092.... Respondents in WP(MD). 13153/ 2017

1 THE STATE OF TAMIL NADU, REP. BY ITS SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE, SECRETARIAT,
CHENNAI 600 009.

2 THE SECRETARY, THE SELECTION COMMITTEE,
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION, KILPAUK,
CHENNAI 600 010.

3 THE MEDICAL COUNCIL OF INDIA (MCI)
REP. BY ITS SECRETARY, POCKET-14, SECTOR 18,
DWARAKHA PHASE 1, NEW DELHI.

4 THE SECRETARY,
COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE EXAMINATIONS,
PRAGATI HOUSE, 3RD FLOOR, 47-48, NEHRU PLACE,
NEW DELHI - 110 019. ... Respondent(s) in WP(MD). 13154/ 2017

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE, SECRETARIAT,
CHENNAI 600 009.

2 THE SECRETARY THE SELECTION COMMITTEE,
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION, KILPAUK,
CHENNAI 600 010.

3 THE MEDICAL COUNCIL OF INDIA (MCI)
REP. BY ITS SECRETARY, POCKET-14, SECTOR 18,
DWARAKHA PHASE 1, NEW DELHI.

4 THE SECRETARY CENTRAL BOARD OF SECONDARY EDUCATION,
SHIKSHA KENDRA, 2-COMMUNITY CENTRE, PREET VIHAR,
DELHI 110 092. ... Respondent(s) in WP(MD). 13155/ 2017

1 THE UNION OF INDIA REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HEALTH, CENTRAL SECRETARIAT, NEW DELHI.

2 THE MEDICAL COUNCIL OF INDIA POCKET 14, SECTOR 8,
DWARAKA, NEW DELHI - 110077, REP. BY ITS SECRETARY.

3 THE STATE OF TAMIL NADU REP. BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT ST. GEORGE, CHENNAI - 600 009.

4 THE DIRECTOR OF MEDICAL EDUCATION, KILPAUK, CHENNAI - 600 010.

5 THE SECRETARY SELECTION COMMITTEE,
DIRECTORATE OF MEDICAL EDUCATION, KILPAUK,
CHENNAI - 600 010. ... Respondent(s) in WP(MD). 12780/ 2017

1 THE UNION OF INDIA REP. BY ITS SECRETARY (H & FW),
MINISTRY OF HEALTH & FAMILY WELFARE,
DEPARTMENT OF HEALTH & FAMILY WELFARE, NEW DELHI 110 011

2 THE STATE OF TAMIL NADU REP. BY ITS PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT, ST. GEORGE FORT,
CHENNAI 600 009.



- 3 THE DIRECTOR OF MEDICAL EDUCATION,
THE DIRECTORATE OF MEDICAL EDUCATION, KILPAUK, CHENNAI 600 010.
 - 4 THE SELECTION COMMITTEE
THE DIRECTORATE OF MEDICAL EDUCATION, KILPAUK, CHENNAI 600 010
 - 5 THE MEDICAL COUNCIL OF INDIA REP. BY ITS SECRETARY,
PICKET 14, SECTOR 8, DWARKA PHASE I, NEW DELHI 110 077
 - 6 CENTRAL BOARD OF SECONDARY EDUCATION,
REP. BY ITS SECRETARY, SHIKSHA KENDRA, 2, COMMUNITY CENTRE,
PREET VIHAR, DELHI 110 092
- ... Respondent(s) in WP(MD). 12603/ 2017

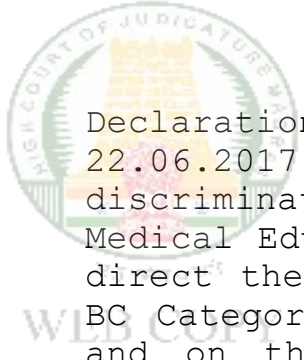
- 1 THE STATE OF TAMIL NADU
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
REP. BY ITS SECRETARY, FORT ST.GEORGE, CHENNAI.
- 2 THE SELECTION COMMITTEE DIRECTORATE OF MEDICAL EDUCATION,
162, PERIYAR E.V.R.HIGH ROAD, KILPAUK, CHENNAI - 10.
- 3 THE PRESIDENT MEDICAL COUNCIL OF INDIA, POCKET 14,
PHASE -I, SECTOR -8, NEW DELHI.
- 4 THE REGISTRAR THE TAMIL NADU
DR.M.G.R. MEDICAL UNIVERSITY, NO.69, ANNA SALAI,
CHENNAI - 600 032. ... Respondent(s) in WP(MD). 12872/ 2017

- 1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE, SECRETARIAT,
CHENNAI - 600 009
- 2 THE SECRETARY, THE SELECTION COMMITTEE,
OFFICE OF THE DIRECTOR OF MEDICAL EXAMINATION, KILPAUK,
CHENNAI - 600 010
- 3 THE MEDICAL COUNCIL OF INDIA (MCI),
REP. BY ITS SECRETARY, POCKET - 14, SECTOR 18,
DWARAKHA PHASE I, NEW DELHI.
- 4 THE SECRETARY, CENTRAL BOARD OF SECONDARY EDUCATION,
SHIKSHA KENDRA, 2 - COMMUNITY CENTRE, PREET VIHAR,
DELHI - 110 092 ... Respondent(s) in WP(MD). 12326/ 2017

PRAYER in WP(MD)No.13153 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring the impugned G.O.(Ms)No.233 dated 22.06.2017 issued by the first respondent as unconstitutional, discriminatory as it ultravires the Regulations on Graduate Medical Education, 1997 and Constitution of India and consequently, direct the first and second respondents to admit the petitioner under OC Category on the basis of NEET marks scored by the petitioner and on the merit list for the first year M.B.B.S without any discrimination for the academic year 2017-2018.

Prayer in WP(MD). 13154/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of



Declaration declaring the impugned G.O.(Ms) No.233 dated 22.06.2017 issued by the 1st respondent as unconstitutional, discriminatory as it ultravires the Regulations on Graduate Medical Education, 1997 and Constitution of India and consequently direct the 1st and 2nd respondents to admit the petitioner under BC Category on the basis of NEET marks scored by the petitioner and on the merit list for the 1st year M.B.B.S. without any discrimination for the academic year 2017-18.

Prayer in WP(MD). 13155/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring the impugned G.O.(Ms)No.233 dated 22.06.2017 issued by the First respondent as unconstitutional, discriminatory as it ultravires the REGULATIONS AND GRADUATE MEDICAL EDUCATION, 1997 and Constitution of India and consequently direct the First and second respondents to admit the petitioner under BC Category on the basis of NEET Marks scored by the petitioner and on the merit list for the first year M.B.B.S. without any discrimination for the Academic Year 2017-18.

Prayer in WP(MD). 12780/ 2017 :

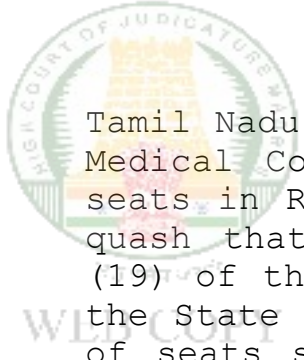
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned G.O. (Ms) No. 233 (Health and Family Welfare - MCA-1) Department dated 22.06.2017 issued by the 3rd respondent State Government and quash the same.

Prayer in WP(MD). 12603/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in G.O(MS)No.233 dated 22.06.2017 on the file of Respondent No.2 and quash the same as illegal and consequently direct the Respondent No.2 to direct Respondent No.4 to cancel the allocation of 85% of the seats to the students who have studied in Tamil Nadu State Board and 15% of the seats to the students who have studied in CBSE and other Boards for admission to MBBS/BDS, and to prepare a Common merit list with equal treatment to students studied in Tamil Nadu State Board and CBSE and other boards for admission to MBBS/BDS Course for 2017-18 session for surrendering 15% of the seats to All India quota.

Prayer in WP(MD). 12872/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the prospectus for MBBS/BDS Admission 2017-2018 on the file of the 1st and 2nd Respondents pertaining to admission to MBBS/BDS Courses in



Tamil Nadu Government Colleges, Government Seats in Self Financing Medical College affiliated to the 4th Respondent University and seats in Rajah Muthiah Medical College (Annamalai University) and quash that decision made in the alternate clause of Clause -IV (19) of the prospectus for MBBS/BDS Admission 2017-18 that out of the State Quota seats in Government Medical Colleges, 85 per cent of seats shall be earmarked to the students who have studied in the Tamil Nadu State Board only with rest 15 per cent will be reserved for students from CBSE and other Boards so far as it relates to the petitioner and consequently direct the 1st and 2nd Respondents to consider the petitioner against all available seats in MBBS and BDS course offered in colleges and Education Institutions within the State of Tamil Nadu for the Academic year 2017-18 and pass such further or other orders as this Hon'ble Court.

Prayer in WP(MD). 12326/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the impugned G.O.(MS).No.233 dated 22.06.2017 issued by the first respondent as unconstitutional, discriminatory as it ultravires the Regulations of Graduate medical education, 1997 and Constitution of India and consequently direct the first and second respondents to admit the petitioner under BC category on the basis of NEET marks scored by the petitioner and on the merit list for the first year M.B.B.S., without any discrimination for the academic year 2017-18.

For Petitioner in
W.P(MD)No.13153 to
13155 & 12326 of 2017 : Mr.K.K.Kannan

For Petitioner in
WP(MD)No.12603 of 2017 : Mr.T.Aswin Rajasimman

For Petitioner in
WP(MD)No.12780 of 2017 : Mr.Isaac Mohanlal
for M/s.Isaac Chambers

For Petitioner in
WP(MD)No.12872 of 2017 : Mr.Rathina Asohan

For R1 and R2 in
W.P(MD)No.13153 to
13155, 12326 & 12780 of 2017

For R2 to R4 in
WP(MD)No.12603 of 2017

For R2 to R4 in
WP(MD)No.12780 of 2017

For R1, R2 and R4 in



WP (MD) No.12872 of 2017: Mr.B.Pugalenth,
Additional Advocate General
Assisted by
Mr.G.Muthukaruppan,
Government Advocate

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For R3 and R4 in
W.P (MD) No.13153 to
13155, 12326&12780 of 2017,
For R1, R5, R6 in
WP (MD) No.12603 of 2017
For R3 in WP (MD) No.12872
of 2017 : Mr.C.Nandagopal
Central Government Standing counsel

COMMON ORDER

These writ petitions have been filed challenging the impugned G.O.(Ms)No.233 (Health and Family Welfare-MCA-1), Department, dated 22.06.2017, vide which 85% of seats were allotted to students of Tamil Nadu State Board, leaving the rest 15% to the Students of CBSC and other Boards for MBBS/BDS admission for the academic year 2017-2018.

2.Heard Mr.Isaac Mohanlal, learned Senior counsel and Mr.K.K.Kannan, Mr.T.Aswin Rajasimman, and Mr.Rathina Ashonan, learned counsel appearing for the petitioners, Mr.C.Nandagopal, learned standing counsel appearing for the Central Government and Mr.B.Pugalenth, learned Additional Advocate General appearing for the State.

3.The learned counsel appearing for the petitioners reported that the very same issue, which was pending before the Principal Seat, has now attained finality on 14.07.2017 and the G.O., was quashed, which is not refuted by the learned counsel appearing for the Central Government as well as the State.

4.It is an admitted fact that by order, dated 14.07.2017 passed in W.P.No.16341 of 2017 etc., batch in **V.S.Sai Sachin vs. State of Tamil Nadu and others**, the Principal seat has quashed the impugned Government order, and directed the respondents to prepare a fresh merit list and conduct the counselling accordingly.

5.Since, the Government Order, which is under challenge in these writ petitions has already been quashed by the Principal seat of this court, by order, dated 14.07.2017, this court is of the view that no further order is required to be passed in the writ petitions and the same are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Protocol)



To

1.The Secretary to the Government,
Health and Family Welfare, Department,
Secretariat, Chennai 600 009.

2.The Secretary,
The Selection Committee,
Office of the Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Director of Medical Education,
Kilpauk, Chennai-600 010.

+3ccs to M/S.K.K.KANNAN, Advocate SR.Nos.65996,65995&65998
+1cc to Special Government Pleader, SR.No. 66288

skn/smi/er

MAS/JC/SAR2:05.09.2017:7P-8C

W.P. (MD) Nos.13153 to 13155 and 12326,
12780, 12603 and 12872 of 2017
18.07.2017